

MINUTES
TOWN BOARD
TOWN OF OSSINING
IN PERSON AT
TOWN MUNICIPAL BUILDING
1st FLOOR CONFERENCE ROOM
16 CROTON AVE – OSSINING, NEW YORK
AND VIA ZOOM

AUGUST 24, 2021
REGULAR MEETING
7:30 P.M.

SUPERVISOR
Dana A. Levenberg

COUNCILMEMBERS
Elizabeth R. Feldman Gregory G. Meyer
Jackie G. Shaw Northern Wilcher, Jr.

I. CALL TO ORDER-PLEDGE OF ALLEGIANCE-ROLL CALL

The Regular Meeting of the Town Board of the Town of Ossining was held on August 24, 2021 in the Town Municipal Building, 16 Croton Ave in Ossining, and via Zoom. The meeting was called to order at 7:30 PM by Supervisor Dana A. Levenberg. Members of the Board present were: Councilmembers Elizabeth R. Feldman and Northern Wilcher, Jr. Also present were Town Counsel Christie Tomm-Addona, Budget Officer Victoria Cafarelli, and Deputy Town Clerk Martha C. Quituisaca. Councilmembers Jackie G. Shaw and Gregory G. Meyer were absent.

A moment of silence was held in memory of Dream Shepherd.

Supervisor Levenberg said the following: On Saturday, August 21, we lost Dream Shepherd at the far too young age of 16. Dream was born with sickle cell anemia and spent much of her childhood battling this disease, with the help of her incredible mom, Diana who donated her own stem-cells to help Dream beat back sickle-cell. Despite her health challenges, Dream was a fighter and a local hero, championing causes and even statewide legislation, again alongside her mom who fought tirelessly for her and others, to help those struggling with similar health conditions. Dream was a member of Ossining Girl Scout Troop 2233 and dedicated much of her time to supporting her community, often alongside her mom, Diana Lemon, who was recently an Ossining School Board Trustee for a number of years. Dream was a rising senior at Ossining High School, and as such, this news has rocked our school community, her classmates and friends. Dr. Sanchez shared with the Ossining School community resources for families to assist their grieving children through this difficult time, which I encourage all those impacted to seek out for support. Our thoughts and prayers are with Dream's family. We know Dream's incredible legacy will certainly outlast her time with us.

II. PUBLIC HEARING

- **Local Law to opt out of allowing on-site cannabis consumption sites in the unincorporated Town of Ossining**

At 7:32 PM, the Public Hearing opened.

Supervisor Levenberg said the following: Tonight, we are opening the public hearing on a local law to opt-out of on-site cannabis consumption lounges in the Town of Ossining. On-site consumption lounges are one of the two uses municipalities can opt out of before the end of 2021, under the NYS law

which legalized cannabis sale and consumption earlier this year. The other use is dispensaries. At this time, the Town Board is only considering opting out of on-site consumption lounges, which means by default, dispensaries will be allowed in the Unincorporated Town of Ossining in the future. This move is in line with the Village of Ossining, which yields some additional financial benefits for the Town; there is an opportunity for a revenue sharing agreement to be put in place for tax revenue from dispensaries in the Village of Ossining. We understand the Village of Briarcliff Manor has also recently begun their discussions on this issue as well. It is unlikely that we will close the public hearing this evening, so there will be at least one more opportunity to address the Town Board on this local law after tonight. We look forward to hearing more from the community on this topic. If you were unable to join us live tonight, feel free to email the Board at TC@townofossining.com to share your input and stay tuned for more opportunities for public discussion on this issue.

Town Counsel Tomm-Addona spoke about the permissive referendum process.

Johnny Girolamo, Ossining, spoke about presently opting out all together from the cannabis program and opting back in later in the future if need be. He spoke about many questions bring left unanswered on how the cannabis legislation is going to work in NYS.

At 7:37 PM Councilmember Feldman moved and it was seconded by Councilmember Wilcher that the Public Hearing be adjourned to October 14, 2021.

III. ANNOUNCEMENTS

Supervisor Levenberg announced the following:

Here in the Town of Ossining, Tropical Storm Henri passed through Sunday thankfully with little to no impact on infrastructure in the unincorporated area. Thank you to our Town Highway and Parks Departments, Westchester County Emergency Management, Con Edison, Verizon, and Altice for preparing for the storm at full force, and reminding us of the important safety protocols in the event of strong storms. Better safe than sorry, for sure! We are also thinking of our neighbors in Connecticut, Rhode Island, and other coastal areas who were hit harder than us, and hope for a speedy storm recovery. We are keeping our hopes up for the continuation of a quiet hurricane season.

Yesterday, we got some good news from the FDA that the first COVID-19 vaccine, the Pfizer vaccine, has now received full FDA approval. This is great news, and will likely facilitate increased vaccination protocols across the Country with this added approval. If you are not yet vaccinated, FDA approval is added assurance that the data illustrates the vaccine is extremely safe and effective. Third doses are also now being administered for immunocompromised individuals and will be rolling out soon for some of the earliest vaccination recipients, like healthcare workers, first responders, and nursing home employees. Vaccines are still our best defense against COVID-19 and it has never been easier to get vaccinated. Most pharmacies offer walk in appointments, and the Ossining Volunteer Ambulance Corp, OVAC, is vaccinating at their headquarters on Clinton Avenue on Wednesdays and Fridays. If you have questions about the vaccine, www.vaxupwestchester.org is a great resource for facts and the Westchester County Department of Health has set up a phone line for residents to speak one-on-one with nurses and doctors about the vaccines. Call 914-995-5800 to be connected with a healthcare professional in either English or Spanish to ask questions.

Get ready for another installment of our Summer Concert Series and Food Truck Fridays this Friday with Silver Fox performing starting at 7pm, with food

trucks starting at 5pm. In light of the COVID-19 numbers ticking up, we ask all attendees to wear their masks, regardless of vaccination status, at all times when in crowded settings and not in your “pod” enjoying your meal and beverage. Please follow this guidance so we can continue the summer fun for the remaining weeks. We will post and share the final line-up of food trucks and craft beverage corral later in the week, but I have gotten some sneak previews and it looks great. Make sure you are following the Town of Ossining, Greater Ossining Chamber of Commerce, and Sing Sing Kill Brewery on Facebook for the latest updates, and definitely come hungry on Friday. Thank you to our amazing Summer Concerts and Food Truck Fridays planning team of the Greater Ossining Chamber of Commerce, Sing Sing Kill Brewery, Mike and Miriam Risko, and Superintendent of Rec & Parks Bill Garrison. We hope to see you there! And get ready for September 3 for our slightly delayed fireworks celebration for Labor Day weekend! It has been a challenging year, especially for our essential workers and we couldn’t think of a better way to end the summer than with a fireworks tribute on this holiday celebrating workers. Stay tuned for more details, but please please come wearing your masks, the best way to honor those who have worked so hard for us is to take proper precautions to protect our community against this still very deadly and dangerous virus.

Public outreach for the Comprehensive Plan continues – as we near the release of a Draft Comprehensive Plan we are seeking additional community feedback in an effort to highlight some of the larger policies and ideas to be discussed in the draft plan. The Plan will continue to incorporate the input from this summer engagement into the final guide for the initiatives and policies for the Town to consider for further planning and development as defined in the Plan. The Steering Committee members will be using posters as an easy way to engage people in this conversation and to make sure people stay informed as to when the draft Comp Plan is released. So, if you see a Steering Committee member at an event this summer or posters stationed at a local business, please take a moment to say “hi” and respond to the interactive activities seeking your input. So far, the boards have visited or are visiting SBS Print & Ship, Fred’s Auto Repair, UMAC Briarcliff, Torview Swim Club, Club Fit, and events like the Summer Concert Series, St. Augustine’s Fair, and ENU Family Fun day. We are looking forward to sharing the final results with the community and will be preparing an online survey to wrap public engagement in the fall, so stay tuned!

The Village of Ossining is seeking community input on their 2021 application to the New York State Downtown Revitalization Initiative. In its fifth year, this program will invest \$200 million in up to 20 downtowns statewide and we want some of that coming to Ossining! The Village of Ossining was a finalist in 2019, and with your help, Ossining could very well be the winner this year. There is a community online survey currently open and available on the Village website and there will be an in person event at the Ossining Farmers Market on Saturday, August 28 from 9am to 11am. Please take some time to provide your feedback on this transformative opportunity.

Also, coming in up in the not too distant future: Car Free Day. We are planning now hoping to have some great new options for you to try out for getting around without gas powered vehicles, and we hope you will take the pledge to go Car Free or Car Lite on Wednesday, Sept 22nd, which is International Car Free Day, so that each of us can learn what steps we can take to reduce carbon emissions and slow climate change.

Finally, please mark your calendars for Saturday, September 11 at 9am for the annual 9/11 Remembrance Ceremony hosted by Ossining and Briarcliff first responders. The event will be particularly meaningful this year as it marks the 20th anniversary of the 9/11 attacks. We will share more details about this event as they become available.

IV. LIAISON REPORTS

V. PUBLIC COMMENT ON AGENDA ITEMS

VI. BOARD RESOLUTIONS

A. Approval of Minutes—Regular Meeting – August 10, 2021

Councilmember Feldman moved and it was seconded by Councilmember Wilcher that the following resolution be approved.

Resolved, that the Town Board of the Town of Ossining hereby approves the August 10, 2021 minutes of the Regular Meeting as presented.

Motion: Carried

B. Approval of Voucher Detail Report

Councilmember Wilcher moved and it was seconded by Councilmember Feldman that the following resolution be approved.

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated August 24, 2021 in the amount of \$ 305,348.81.

Motion: Carried

C. Memorandum of Understanding – New York-New Jersey Trail Conference

Councilmember Wilcher moved and it was seconded by Councilmember Feldman that the following resolution be approved.

Resolved, that the Town Board of the Town of Ossining authorizes the Supervisor to sign a Memorandum of Understanding between the Town and the New York-New Jersey Trail Conference for planning, developing, maintaining, and protecting trails within lands owned by the Town of Ossining, specifically for the Ryder Park trails.

Supervisor Levenberg said the following: A few meetings ago, we heard from David Margulis and Mitzi Elkes from our Town EAC about a proposed trail connection in Ryder Park that could be constructed with assistance from volunteers with the NY/NJ Trail Conference. This MOU will memorialize our relationship with the NY/NJ Trail Conference for this exciting project and hopefully allow us to continue to build this partnership in the future.

Motion: Carried

D. Landscape and Wetland Mitigation Plantings Maintenance Agreement – SPCA of Westchester, Inc.

Councilmember Feldman moved and it was seconded by Councilmember Wilcher that the following resolution be approved.

WHEREAS, as a condition of the Wetland Permit Approval granted by the Planning Board, SPCA of Westchester, Inc. is required to enter into a Landscape and Wetland Mitigation Plantings Maintenance Agreement with the Town to ensure the SPCA adheres to the requirements of the Landscape Plan, Wetlands Impacts Mitigation Plan and the Wetland and Wetland Buffering Monitoring Plan submitted by the SPCA; and

NOW THEREFORE,

BE IT RESOLVED, the Town Board hereby authorizes the Supervisor to execute the Landscape and Wetland Mitigation Plantings Maintenance Agreement with SPCA of Westchester, Inc. dated August 5, 2021 and

BE IT FURTHER RESOLVED, the Supervisor is authorized to sign all documents reasonably necessary to have the agreement recorded with the County Clerk.

Supervisor Levenberg said the following: As part of their Site Plan Approval, the SPCA of Westchester is required to enter into an agreement with the Town for the maintenance of their landscape and wetlands mitigation plantings. This agreement and the plantings have been reviewed by our counsel and consultants, so we are considering this for approval tonight.

Motion: Carried

E. Resolution – Adopting Local Law #7 of 2021 – Amendment to Chapter 136 of the Town Code Regarding Temporary Outdoor Dining Permits

Councilmember Feldman moved and it was seconded by Councilmember Wilcher that the following resolution be approved.

WHEREAS, in August 2020 the Town Board adopted Local Law No. 1 of 2020 creating a permitting process to allow legally existing food and drink establishments in the Town to temporarily provide outdoor dining for its patrons due to the COVID-19 pandemic; and

WHEREAS, while the Governor allowed the State of Emergency due to the COVID-19 pandemic to expire in June 2021, the State adopted legislation in July 2021 to continue to allow the State Liquor Authority to issue licenses for outdoor dining through July 7, 2022 in order to assist food and drink establishments in their economic recovery caused by the pandemic; and

WHEREAS, the landscape of the COVID-19 pandemic is rapidly changing and recently infection and hospitalization rates have been increasing throughout the country, including in Westchester County and the Town of Ossining; and

WHEREAS, the Town Board considered this local law as it believes it is in the best interest of the health, safety and welfare of the restaurant workers, their patrons and the general public to continue to temporarily allow outdoor dining through the permitting process set forth in Chapter 136 of the Town Code until July 7, 2022 consistent with State law and so long as the total capacity of the restaurant with indoor and outdoor dining does not exceed the maximum permitted indoor capacity; and

WHEREAS, the Town Board held a duly-noticed public hearing on Local Law No. 7 of 2021 at its regular meeting on Tuesday, August 10, 2021 in the first floor conference room at Town Hall, 16 Croton Avenue, Ossining, New York 10562 and via Zoom videoconferencing and members of the public having the opportunity to attend and be heard in person or via videoconferencing, the public hearing was closed on August 10, 2021; and

WHEREAS, said local law has been on the desks of the members of the Town Board of the Town of Ossining for at least seven days, exclusive of Sunday, prior to the adoption of this resolution, and

NOW THEREFORE,

BE IT RESOLVED, the Town Board, as the only involved agency for this action, hereby adopts a Negative Declaration pursuant to the State Environmental Quality Review Act determining this action does not have the potential to have any significant adverse environmental impacts as the local law is intended to continue the temporary outdoor dining permitting process that has already been in place for the last year until July 7, 2022, after which

time if the restaurants intend to continue their outdoor dining they will be required to obtain the appropriate approvals from the Planning Board, if necessary; the local law is intended to provide a safe atmosphere for patrons of these establishments by enabling them to dine outdoors and with adequate social distancing; and the Building Inspector may only issue the permit upon the establishment providing plans and documentation to show the outdoor dining can be conducted in a safe manner; and

BE IT FURTHER RESOLVED, the Town Board, after due deliberation, finds that it is in the best interest of the Town to adopt said local law, and the Town Board hereby adopts Local Law # 7 of 2021 entitled Amendment to Chapter 136 of the Town Code regarding Temporary Outdoor Dining Permits; and

BE IT FURTHER RESOLVED, the Town Clerk is directed to enter said local law in the minutes of this meeting into the local law book for the Town of Ossining; to publish said minutes in a newspaper published in the town, if any, or in such newspaper published in the county in which such town may be located having a circulation in such town, and affidavits of said publication shall be filed with the Town Clerk; and to file a copy of said local law with the Secretary of State of New York.

Supervisor Levenberg said the following: We hope that with the adoption of this local law, the Town will continue to be able to facilitate outdoor dining at our restaurants for the next year, in line with recent changes in NYS law. The pandemic is certainly not over, so we hope this will be welcome news to our small businesses and their customers.

Motion: Carried
Ayes: Feldman, Wilcher, & Levenberg
Absent: Shaw & Meyer

VII. CORRESPONDENCE TO BE RECEIVED AND FILED

Councilmember Wilcher moved and it was seconded by Councilmember Feldman that the following resolution be approved.

Resolved, that the Town Board of the Town of Ossining hereby accepts the following correspondence:

- Town Planning Board Minutes – July 21, 2021

Motion: Carried

VIII. MONTHLY REPORTS

Councilmember Wilcher moved and it was seconded by Councilmember Feldman that the following resolution be approved.

Resolved, that the Town Board of the Town of Ossining accepts the following monthly reports for the month of July 2021:

- Dale Cemetery

Motion: Carried

IX. VISITOR RECOGNITION

Visitors shall be accorded one (1) four (4) minute opportunity to speak

X. ADJOURNMENT

At 7:56 P.M., Councilmember Wilcher motioned to adjourn to Executive Session for advice of counsel, personnel, and contracts and Councilmember Feldman seconded.

Motion Carried: Unanimously

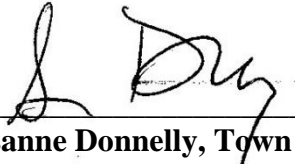
At 8:26 P.M., Councilmember Feldman motioned to leave Executive Session and Councilmember Wilcher seconded.

Motion Carried: Unanimously

At 8:26 P.M., Councilmember Feldman motioned to adjourn the Regular Meeting and Councilmember Wilcher seconded.

Motion Carried: Unanimously

Approved:



Susanne Donnelly, Town Clerk